IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15224 of 2004

Between:

1 P. Krishna, S/o. Late P. Mallaiah,
R/o. H.No. 5-163, Maheswari Complex, Chintalkunta, L.B. Nagar,
Hayathnagar Mandal, Ranga Reddy District.
2 Smt. P. Eshwaramma, W/o. Late P. Mallaiah,
R/o. H.No. 5-163, Maheswari Complex, Chintalkunta, L.B. Nagar,
Hayathnagar Mandal, Ranga Reddy District.

..... PETITIONERS

AND

1 The Commissioner of Land Administration (Appellate Authority),
Andhra Pradesh, Nampally, Hyderabad.
2 The Special Officer and Competent Authority, Urban Land Ceiling,
Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus: a) to quash or set aside the order of the first respondent passed in CCLA's Appeal No. HYD/9/2004 dated 1-3-2004; b) to direct the first respondent to dispose of the Appeal in CCLA's Appeal No. HYD/9/2004 dated 1-3-2004 within a period of two months and until disposal of the appeal by the first respondent-appellate authority, all further proceedings be stayed.

Counsel for the Petitioners: MR.E.MADAN MOHAN RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following ORDER:

Against the order passed by the second respondent dated 20.11.2003 revising the final orders under Section 8(4) along with final statement under Section 9 of the Urban Land Ceiling Act (for short 'the Act'), the petitioners filed an appeal before the Chief Commissioner of Land Administration, Nampally, Hyderabad, and pending disposal of the same, they filed interlocutory application requesting to stay all further proceedings, but the first respondent admitted the appeal and rejected the stay application. Aggrieved by the same, the petitioners filed the present writ petition.

Under Section 33 of the Act, filing of appeal against the revised final orders under Section 8(4) along with final statement under Section 9 of the Act is a statutory right. Pending disposal of the appeal, the rights of the parties should be safeguarded.

In view of the same, pending appeal before the first respondent, all further proceedings pursuant to order dated 20.11.2003 passed by the second respondent are stayed. The first respondent is directed to dispose of the appeal, after following the due procedure contemplated under law.

The writ petition is accordingly disposed of. No costs.

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A.Gopal Reddy, J

Date: 01.09.2004

Va/ghn

To

1 The Commissioner of Land Administration (Appellate Authority), Andhra Pradesh, Nampally, Hyderabad.
2 The Special Officer and Competent Authority, Urban Land Ceiling, Nampally, Hyderabad.

3 Two CCs to G.P. for Land Acquisition, High Court of A.P. Buildings, Hyderabad (OUT)

4 Two CD Copies